



TALBOT COUNTY, MARYLAND

County Council

MINUTES

June 27, 2023

Present – President Chuck Callahan, Vice President Pete Leshner, Keasha Haythe, Lynn L. Mielke, Dave Stepp, County Manager Clay Stamp, and County Attorney Patrick Thomas.

- I. Agenda – Mr. Callahan requested and received unanimous consent for approval of the Agenda of Tuesday, June 27, 2023.
- II. Minutes – Mr. Callahan requested and received unanimous consent for approval of the Minutes of Tuesday, May 23, 2023 and Tuesday, June 13, 2023.
- III. Disbursements – Mr. Callahan requested and received unanimous consent for approval of the Disbursements of Tuesday, June 20, 2023 and Tuesday, June 27, 2023.
- IV. Presentation and Request by Upper Shore Workforce Investment Board – Dan Schneckenburger, Executive Director, Upper Shore Workforce Investment Board - Mr. Schneckenburger stated that the Upper Shore Workforce Investment Board is responsible for administering Title 1 workforce training under the federal Workforce Innovation and Opportunity Act (WIOA) program to eligible individuals in Caroline, Dorchester, Kent, Queen Anne’s and Talbot counties. He then updated the Council on the WIOA Combined Plan for 2020 – 2024, as is required every two years. He stated that the Plan incorporates various statistical and demographic data for the five counties served by Upper Shore Workforce Investment Board (USWIB) and programs offered. He stated that in the last two years, 56 Talbot County residents have received \$148,000 in workforce training. Council discussion ensued with Mr. Schneckenburger, including USWIB’s partnership with Talbot County Public Schools and Chesapeake College. He then requested Council’s approval of the USWIB Local Workforce Development Area Memorandum of Understanding for 2023-2025 and concurrence with the Workforce Innovation and Opportunity Act Combined Plan for 2020-2024; there is no fiscal impact to Talbot County. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved the Upper Shore Workforce Investment Board Local Workforce Development Area Memorandum of Understanding 2023-2025 and concurrence with the Workforce Innovation and Opportunity Act Combined Plan for 2020-2024 Plan by voting 5– 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye
- V. Presentation of FY24 Maryland Agricultural Land Preservation Foundation (MALPF) Easement Applications – Anne Roane, Planner III, Talbot County Department of Planning and Zoning – Ms. Roane presented on the FY24 Maryland Agricultural Land Preservation Foundation (MALPF) easement applications and noted that there were 28 applications submitted for Talbot County with 20 applications being approved for easement purchase consideration which will be submitted to the State for review and final approval. Ms. Roane stated that in the past several years, State budget constraints only permitted the submittal of 12 applications for consideration. She stated that the proposed ranking list of 20 applications was selected by criteria such as soils, proximity to other farms currently in conservation, etc. and has been reviewed and approved by both the Talbot County Agricultural Land Preservation Advisory Board and the Planning Commission. Upon

motion by Mr. Stepp, seconded by Ms. Mielke, the Council approved submitting the ranking list, as presented, to the State for consideration of approval by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- VI. Request from Finance Office to Approve 4th Quarter Budget Transfers for Fiscal Year 2022-2023 - Martha Sparks, Finance Director – Ms. Sparks stated that budget transfer items being requested are in accordance with Section 615 of the Talbot County Charter which states, in part, *that transfers between agencies of county government and within the same fund of the current expense budget may be made only during the last quarter of the fiscal year and only on the recommendation of the County Manager and with the approval of the Council.* Ms. Sparks stated that this request is to amend the FY23 Budget for items which exceeded their appropriation but have been offset by revenues; another 4th quarter transfer request was made in April 2023. Council discussion ensued with Ms. Sparks. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved the transfers as outlined by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner – Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- VII. Introduction of Legislation:

A BILL TO AMEND CHAPTER 20 OF THE TALBOT COUNTY CODE (BOARD OF APPEALS) FOR CLARITY AND CONSISTENCY AND REGARDING THE BOARD OF APPEALS' PROCEEDINGS, FORMS, HEARINGS, AND PROCEDURES was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Patrick Thomas, stated that the proposed language incorporated in the legislation is being requested by the Board of Appeals following the Board's discussion of same at several of their meetings. He stated that the purpose of the legislation is to provide clarity and consistency in the procedures of the Board of Appeals. Frank Cavanaugh, Chairman, Talbot County Board of Appeals, stated that the Board worked with its attorney and the County Attorney to draft wording for the legislation. The legislation was introduced by Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, and Mr. Stepp as Bill No. 1545. A public hearing was scheduled for Tuesday, July 25, 2023 at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

A BILL TO AUTHORIZE A FEASIBILITY STUDY FOR, AND POSSIBLE FUTURE CONSTRUCTION OF, A TALBOT COUNTY VISITORS CENTER was read into the record by the Clerk and brought forward for introduction. Prior to introduction, County Attorney, Patrick Thomas, stated that the capital enabling legislation was pulled from consideration at the June 13, 2023 Council meeting in order to provide an opportunity to more clearly state that the purpose of the legislation is to authorize a feasibility study for a new visitors center, but not necessarily construction of same. Cassandra Vanhooser, Director, Talbot County Department of Economic Development and Tourism, stated that her department had received funding for a feasibility study through the Maryland Rural Economic Development Fund and that a Request for Proposals (RFP)

had been issued. She stated that the legislation “clears the pathway” for implementation of a visitors center, should the opportunity arise. The legislation was introduced by Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke and Mr. Stepp as Bill No. 1546. A public hearing was scheduled for Tuesday, July 25, 2023 at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

VIII. County Manager’s Report:

- A. Talbot County Commission on the Aging – Requested Council approval for the appointment of Kate Stinton to a three-year term on the Talbot County Commission on the Aging as a private citizen; said term will expire on April 1, 2026. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved the appointment by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- B. Talbot County Ethics Commission – Requested Council approval for the reappointment of Gagy Irving, III and Sharon Harrington to three-year terms on the Talbot County Ethics Commission; said terms will expire on July 1, 2026. Upon motion by Mr. Stepp, seconded by Mr. Leshner, the Council approved the reappointments by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- C. Talbot County Property Tax Assessment Appeals Board – Requested Council approval to forward the names of John Murray and Daniel “Dan” Billingsley to the Governor’s Office for consideration of appointment and reappointment, respectively, to five-year terms on the Talbot County Property Tax Assessment Appeals Board. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council approved forwarding the names for consideration by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- D. Talbot Family Network Board of Directors – Requested Council approval for the reappointment of Chief Anthony Smith to a three-year term as a representative of the private sector with his impending retirement; and the appointment of Victoria Billings (Choptank Community Health System); Jennifer Villacorta (Chesapeake Multicultural Resource Center); and Lauren Weber (For All Seasons) to three-year terms as representatives of the private sector; said terms will expire June 30, 2026. Upon

motion by Mr. Stepp, seconded by Ms. Haythe, the Council approved the reappointment and appointments by voting 5 – 0 as follows:

Mr. Callahan, - Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- E. Request from Talbot County Department of Social Services – Requested Council approval to extend an intergovernmental agreement between Talbot County and the Talbot County Department of Social Services for legal services from the law firm of Braden, Thompson, Poltrack, Mundy & McQueeney, LLP for FY24; the legal services are at no cost to the County. Linda Webb, Director, Talbot County Department of Social Services, and Ben Pittsley, Assistant Director of Administration, Talbot County Department of Social Services, briefed the Council on the types of legal services provided by the law firm, including representation of the Department of Social Services at child support hearings; provision of legal services for adults in adult guardianship cases; and individuals aged 18 – 64 who have been deemed unable to care for themselves; and for child welfare services. Upon motion by Mr. Leshner, seconded by Mr. Stepp, the Council approved extending the intergovernmental agreement as outlined by voting 5 – 0 as follows

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe - Aye

- F. Request from Department of Public Works – Requested Council approval of the County Engineer’s recommendation to have the Talbot County Department of Public Works apply for and accept funding from the U.S. Environmental Protection Agency Region 3 Solid Waste Infrastructure Grant in the sum of \$150,000; said funding will be utilized to construct a recycling area to consolidate several current recycling stations throughout the county at a new location; Council discussion ensued with Ray Clarke, County Engineer. Upon motion by Mr. Leshner, seconded by Mr. Stepp, the Council approved applying for and accepting the grant funding by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- G. Bid No. 19-10, ENGINEERING SERVICES (PRELIMINARY ENGINEERING REPORT) ENHANCED NUTRIENT REMOVAL (ENR) UPGRADE – REGION V (TILGHMAN WASTEWATER TREATMENT PLANT (WWTP) – TALBOT COUNTY, MARYLAND (Change Order No. 1) – Requested Council approval of the County Engineer’s recommendation to award Change Order No. 1 for Bid No. 19-10 to contractor, Rummel, Klepper & Kah (RK&K) in the sum of \$27,520 for additional work in order to accommodate the revised wastewater flows of 250 gpd in the Preliminary Engineering Report (PER) as required by the Maryland Department of the Environment, and to incorporate information on sea level rise; funding for the change

order is available in the Region V capital project. Upon motion by Mr. Leshner, seconded by Ms. Haythe, the Council approved the change order by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- H. Bid No. 22-08, OPEN-ENDED ARCHITECTURAL AND ENGINEERING SERVICES – Requested Council approval of the County Engineer’s recommendation to award Phase II, architectural and engineering services under Bid No. 22-08 for the Sheriff’s Office, EMS Garage and Storage Facility on Marys Court in Easton to Davis, Bowen and Friedel in the sum of \$184,750.00; funding for the services is available in the Public Safety Complex capital project. Council discussion ensued with County Engineer, Ray Clarke. Upon motion by Ms. Haythe, seconded by Mr. Leshner, the Council approved the recommendation by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- I. Bid No. 22-19 – PHASE 2 – “RESOLUTION 235” – REGION II SEWER SYSTEM EXTENSION OF SEWER – FORCE MAIN INSTALLATION – Requested Council approval of the County Engineer’s recommendation to award the contract for Bid No. 22-19 to the sole bidder, Schummer, Inc. in the sum of \$2,622,496, upon the condition that the Maryland Department of the Environment approves the bid. Ray Clarke, County Engineer, outlined the scope of the project and stated that the County had received an earmark from Senator Cardin’s office in the sum of \$911,000 to assist with the project; Council discussion ensued with Mr. Clarke. Upon motion by Mr. Leshner, seconded by Ms. Mielke, the Council approved the recommendation by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

- J. Request from Finance Office – Requested Council approval of the Finance Director’s recommendation to extend the agreement for the County’s financial auditing services with SB and Company for the FY23 audit in the sum of \$47,490. Upon motion by Mr. Leshner, seconded by Mr. Stepp, the Council approved extension of the contract by voting 5 – 0 as follows:

Mr. Callahan – Aye
Mr. Stepp – Aye
Mr. Leshner - Aye
Ms. Mielke – Aye
Ms. Haythe – Aye

IX. Public Comments: Members of the public were afforded an opportunity to comment on matters of interest to them.

X. Council Comments:

Ms. Mielke - Ms. Mielke wished everyone a glorious and grand 4th of July.

Ms. Haythe - Ms. Haythe stated that she had recently toured the EMT facility at Chesapeake College, which was, in her opinion, amazing. She stated that she had the opportunity to see students in the program working with fully automated, high technology “manikins”, including in an operating room setting, and, in her opinion, it is great to see the technology which is being incorporated into the various programs at Chesapeake College. She concluded her comments by wishing everyone a Happy 4th of July holiday.

Mr. Leshner - Mr. Leshner echoed the sentiments of his colleagues in wishing everyone a Happy 4th of July holiday and encouraged everyone to celebrate safely, whether on the road, water, or elsewhere.

Mr. Stepp – Mr. Stepp wished everyone a wonderful and joyous 4th of July and offered prayers for those traveling; for those not traveling, he wished everyone a wonderful time with family and friends.

Mr. Callahan - Mr. Callahan concurred with the wishes of this colleagues for a Happy 4th of July and stated that he hoped everyone has fun, but to do so safely.

Upon motion by Ms. Mielke, seconded by Mr. Stepp, the Council voted to adjourn and to reconvene on Thursday, July 6, 2023 at 1:45 p.m. in the Wye Oak Room at the Talbot County Community Center for a meeting with representatives of the Maryland Department of the Environment; and to reconvene on Tuesday, July 11, 2023 in Open Session at 2:30 p.m. in the Bradley Meeting Room for a meeting with representatives from the Maryland Association of Counties, and to adjourn into Closed Session for discussion of legal, personnel, and real estate matters; and for the regularly scheduled meeting at 5:00 p.m. by voting 5 - 0 as follows:

Mr. Callahan - Aye

Mr. Stepp - Aye

Mr. Leshner - Aye

Ms. Mielke – Aye

Ms. Haythe - Aye

The meeting adjourned at 6:04 p.m.

The transcript of the June 27, 2023 County Council meeting is available for review in the Office of the Talbot County Manager during regular office hours.

XI. Work Session: Discussion Regarding Letters from Maryland Department of the Environment (MDE) Regarding Water and Sewer Service Classification Maps for the Town of Trappe and Updated Equivalent Dwelling Units (EDUs) for all Phases of the Lakeside Development – The Council held a work session with staff and representatives from the Town of Trappe on Tuesday, June 27, 2023 at 3:00 p.m. in the Bradley Meeting Room. The purpose of the work session was to

review letters dated April 24, 2023 and May 9, 2023 received from the Maryland Department of the Environment (MDE) regarding the Lakeside development and the municipality of Trappe, to address the water and sewer maps, and to review the draft update of the Comprehensive Water and Sewer Plan (2023 Report of the Review) thus far. County Engineer, Ray Clarke, stated that the development of the 2002 Report of the Review had been completed by working with MDE, the Maryland Department of Planning and incorporating data received from the municipalities at that time. He stated that the May 9, 2023 letter from MDE requested that the County, in coordination with the Town of Trappe, develop an Amendment to the County's Comprehensive Water and Sewer Plan which addresses the topics outlined in MDE's letter dated April 24, 2023. Mr. Clarke stated that, to date, the first draft of the 2023 Report of the Review was developed and incorporates all the amendments to the Comprehensive Water and Sewer Plan adopted since 2002. He utilized a PowerPoint presentation to review the water and sewer service maps included in the first draft of the 2023 Report of the Review for the Town of Trappe based on previous discussions with the Town and their relationship to Resolution No. 281, as amended; Resolution No. 281, as amended, was approved by the Council on August 11, 2020. Council discussion ensued with Mr. Clarke. He stated that since June 2022, his office has been collecting data from the municipalities and updated the water and sewer sections for the municipalities, private entities, and the County. He stated that his office is currently working with the Town of Trappe, utilizing Resolution No. 281, as amended, as the basis for setting up water and sewer descriptions. He then outlined the process of working with the Town of Trappe since MDE's issuance of a Discharge Permit for Lakeside in late October 2022, including the changes to map numbers for the Town. Mr. Clarke stated that following receipt of the April 24, 2023 letter from MDE, the Town of Trappe forwarded maps to his office which identified the number of equivalent dwelling units (EDUs) per phase for the Lakeside development. He stated that unless the Town notifies the County, the information on EDUs provided by the Town will be the information included in the updated draft of the 2023 Report of the Review. Council discussion ensued with Mr. Clarke and Lyndsey Ryan, Attorney for the Town of Trappe. County Attorney, Patrick Thomas, emphasized that the municipal review of maps referenced by Mr. Clarke was based on discussions at staff level following discussions with the Town; the maps will still need to go through the Town of Trappe's review and approval process and will ultimately require an amendment to the County Comprehensive Water and Sewer Plan as there are certain properties included on the maps which would be declassified on the Plans for both the Town and the County. Mr. Thomas stated that Resolution No. 259, as amended, (sewer only) and Resolution No. 281, as amended, are the only two resolutions that have been adopted and approved by MDE since 2002 to change any water and sewer classifications in the Town of Trappe. He stated that there will need to be an amendment to the County's Comprehensive Water and Sewer Plan which incorporates the phases and EDUs for all the phases of the Lakeside development into the Plan. Mr. Clarke stated that MDE wants to ensure that the maps for water and sewer service for the Town and the County are the same. Mr. Thomas stated that, per MDE's request, the County is working on drafting a resolution that will address the EDUs and phasing; maps have been forwarded to MDE for approval which outline current water and sewer classifications, as have been adopted, and which the County believes are correct, and therefore do not require legislative action because they are not being amended. He stated that any changes to the maps from their current classifications will require an amendment to the Comprehensive Water and Sewer Plan, subsequent to the 2023 Report of the Review. The work session concluded at 3:40 p.m.

XII. Summary of Closed Session Held on June 27, 2023:

1. Statement of the time, place, and purpose of the closed session:

Time of closed session: 3:50 p.m. to 5:55 p.m.

Place of closed session: County Council Office
 Purpose of the closed session: To consider various matters as set forth in the statement for closing the meeting

2. Record of the vote of each member as to closing the session:

Names of members voting aye: Callahan, Leshner, Haythe, Mielke, Stepp
 Members opposed: None
 Abstaining: None
 Absent: None

3. Statutory authority to close session and listing of each topic actually discussed, persons present, and each action taken in the session:

Topic Description	Statutory Authority	Reason for Closed Session Discussion	Persons Present	Action Taken
To discuss appointments to various County boards and committees	GP § 3-305(b)(1)(i)	Public discussion would discourage individuals from volunteering to serve	Chuck Callahan, Pete Leshner, Keasha Haythe Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	No action
For legal advice regarding County records	GP § 3-305(b)(7)	Attorney-client privilege regarding legal advice	Chuck Callahan, Pete Leshner, Keasha Haythe Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris	Council concurred with recommendation
To discuss a real estate matter regarding acquisition of a property for a public purpose in Talbot County	GP § 3-305(b)(3)	To protect the County’s bargaining position regarding the potential acquisition of a specific parcel of real property for a public purpose	Chuck Callahan, Pete Leshner, Keasha Haythe Lynn Mielke, Dave Stepp, Clay Stamp, Patrick Thomas, Jessica Morris, Anne Roane	Council concurred with recommendation

CASH STATEMENT 06/20/2023

BALANCE 6/13/2023	90,108,215.67
CIGNA CLAIMS PAID THROUGH 6/12/2023	(43,523.31)
WELLS FARGO GOLF EQUIPMENT LEASE PYMT 6/2023	(4,092.00)
DUPLICATE SANITARY PAYMENT	(895.76)
INTEREST ON ACCOUNTS 5/2023	396,403.07
BANK CHARGES 5/2023	(7,364.69)
DEPOSITS	644,900.57
CHECKS	(485,261.51)
ACH DISBURSEMENT(S)	(336,215.53)
WIRE TRANSFERS	(3,000.00)
VOIDED CHECK(S) # 365962	5,000.00
VOIDED WIRE #	0.00
BALANCE 06/20/2023	<u>90,274,166.51</u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		5.06%	20,995,021.18
BAYVANGUARD BANK			10,285,504.58
TOTAL INVESTED			<u>31,280,525.76</u>
PETTY CASH BALANCE			<u>18,105.00</u>
<u>GRAND TOTAL ALL FUNDS</u>			<u>121,572,797.27</u>

CASH STATEMENT 06/27/2023

BALANCE 6/20/2023	90,274,166.51
TOTAL ADP PAYROLL PPE 6/9/2023	(761,115.73)
PENSION DED PPE 6/9/2023	(45,779.39)
DEFERRED COMP DED PPE 6/9/2023	(19,988.74)
DEFERRED COMP PPE 6/9/2023 PLAN 401(A)	(8,418.65)
USDA/RD QTRLY BOND PYMT #92-09 6/2023	(26,240.00)
USDA/RD QTRLY BOND PYMT #92-11 6/2023	(60,886.00)
DEPOSITS	1,623,079.96
CHECKS	(1,101,638.14)
ACH DISBURSEMENT(S)	(285,465.02)
WIRE TRANSFERS	(675,588.15)
VOIDED CHECK(S) #	0.00
VOIDED WIRE #	0.00
BALANCE 06/27/2023	<u><u>88,912,126.65</u></u>

INVESTMENTS - CERTIFICATES OF DEPOSIT

<u>Certificate Date</u>	<u>Maturity Date</u>	<u>Yield</u>	<u>Amount</u>
PNC-MLGIP INVESTMENTS TOTAL		5.06%	20,995,021.18
BAYVANGUARD BANK			10,285,504.58
TOTAL INVESTED			<u><u>31,280,525.76</u></u>
PETTY CASH BALANCE			<u><u>18,105.00</u></u>
<u>GRAND TOTAL ALL FUNDS</u>			<u><u>120,210,757.41</u></u>